

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RONALD MOSES,

Plaintiff,

v.

**Civil Action 2:15-cv-2853
Judge George C. Smith
Magistrate Judge Elizabeth P. Deavers**

**EXTENDICARE HEALTH SERVICES,
INC., et al.,**

Defendants.

REPORT AND RECOMMENDATION

Plaintiff filed his Complaint in this action on August 20, 2015 in the Delaware County Court of Common Pleas. (ECF No. 1-1 at 1.) Defendants removed the case to this Court on September 23, 2015. (ECF No. 1.) On December 22, 2015, the Court ordered Plaintiff to effect service upon Defendant Prostep, Inc., LLC within fourteen days or to alternatively show cause why the Court should not dismiss this action pursuant to Rule 4(m). (ECF No. 18.) To date, Plaintiff has not effected service upon Defendant Prostep, Inc., LLC. Nor has Plaintiff responded to the Court's Show Cause Order. It is therefore **RECOMMENDED** that the Court **DISMISS** Defendant Prostep, Inc., LLC as a Defendant in this action without prejudice pursuant to Federal Rule of Civil Procedure 4(m) for failure to timely effect service of process.

PROCEDURE ON OBJECTIONS

If any party seeks review by the District Judge of this Report and Recommendation, that party may, within fourteen (14) days, file and serve on all parties objections to the Report and

Recommendation, specifically designating this Report and Recommendation, and the part in question, as well as the basis for objection. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Response to objections must be filed within fourteen (14) days after being served with a copy.

Fed. R. Civ. P. 72(b).

The parties are specifically advised that the failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. *See, e.g., Pfahler v. Nat'l Latex Prod. Co.*, 517 F.3d 816, 829 (6th Cir. 2007) (holding that “failure to object to the magistrate judge’s recommendations constituted a waiver of [the defendant’s] ability to appeal the district court’s ruling”); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005) (holding that defendant waived appeal of district court’s denial of pretrial motion by failing to timely object to magistrate judge’s report and recommendation). Even when timely objections are filed, appellate review of issues not raised in those objections is waived. *Robert v. Tesson*, 507 F.3d 981, 994 (6th Cir. 2007) (“[A] general objection to a magistrate judge’s report, which fails to specify the issues of contention, does not suffice to preserve an issue for appeal”) (citation omitted)).

Date: January 13, 2016

/s/ Elizabeth A. Preston Deavers
ELIZABETH A. PRESTON DEAVERS
UNITED STATES MAGISTRATE JUDGE